

DOUGHERTY, RYAN, GIUFFRA, ZAMBITO & HESSION
Attorneys for Defendants
CONTERM HONG KONG LTD. and VANGUARD LOGISTICS
SERVICES HONG KONG LTD.
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New York, N.Y. 10016
(212) 889-2300
PETER J. ZAMBITO (9362 PZ)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENERGIZER S.A.,

Plaintiff,

- against -

M/V YM GREEN, her engines, boilers and tackle
in rem, YANG MING MARINE TRANSPORT
CORP., YANGMING (UK) LTD., ALL
OCEANS TRANSPORTATION INC.,
KAWASAKI KISEN KAISHA LTD., CONTERM
HONG KONG LTD., VANGUARD LOGISTICS
SERVICES HONG KONG LTD., FIEGE GOTH
CO., LTD. and SHENZHEN HIGH POWER
TECHNOLOGY CO. LTD.,

Defendants.

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ECF CASE

07 Civ. 7406 (LTS)

**COUNTERCLAIM AGAINST
PLAINTIFF**

Defendants, CONTERM HONG KONG LTD. (hereinafter "CONTERM") and
VANGUARD LOGISTICS SERVICES HONG KONG LTD. (hereinafter "VANGUARD"), as
and for their Counterclaim against plaintiff, allege upon information and belief as follows:

1. This is a claim under the Court's Admiralty and Maritime Jurisdiction, and under the Court's diversity and pendent jurisdiction.
2. That all times hereinafter mentioned CONTERM and VANGUARD were and are corporations duly organized and existing pursuant to the laws of a foreign country.

3. That plaintiff was and is a corporation organized and existing under the laws of a foreign country.

4. That if plaintiff or any crossclaiming parties suffered any loss and/or damage, which is denied, the loss and/or damage was caused solely by the negligence, breach of contract, express or implied, breach of warranty, express or implied, and/or negligence and fault of plaintiff.

5. That if defendants CONTERM and/or VANGUARD are found responsible for any of the loss and/or damage sustained said defendants or either of them, as the case may be, will be entitled to indemnification and/or contribution, in whole or in part, from plaintiff, for said losses and/or damage, including costs and reasonable counsel fees.

WHEREFORE, defendants CONTERM and VANGUARD demand:

1. Judgment against plaintiff, for all sums which may be recovered by crossclaiming and/or counterclaiming parties against defendants CONTERM and/or VANGUARD, as well as costs, attorneys' fees, and disbursements of this action.

2. Judgment for such other and further relief the Court may deem just and proper.

Dated: New York, New York
August 27, 2008

DOUGHERTY, RYAN, GIUFFRA, ZAMBITO & HESSION
Attorneys for Defendants
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